IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6401 of 2007()

CRMA.1029/2007 of D.C. & SESSIONS COURT,KOZHIKODE
CRIME FIR NO.164 OF 2004 OF KASABA POLICE STATION, KOZHIKODE.

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: PETITIONER:

V. RIJESH, AGED 20 YEARS,
S/O. CHANDUKUTTY, VELLATHINGAL HOUSE,
KODUVALLY, KOZHIKODE.

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY STATION HOUSE OFFICER, KASABA POLICE
STATION, KOZHIKODE. (CRIME FIR NO.164/2007).

2. THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6401 of 2007

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Dated this the 25th day of October, 2007

O R D E R

Application for anticipatory bail. The learned Prosecutor submits that the petitioner has not been arrayed as an accused so far and the investigation is only continuing. The vehicle referred to in the F.I.R. belongs to the petitioner as per the indications presently available. The rider of that vehicle has allegedly committed the offence. The police have issued notice under Section 160 Cr.P.C. to the petitioner to appear before the police for the purpose of investigation. Instead of appearing before the police, the petitioner has rushed to this Court. The petitioner may be made available for interrogation. Only if the questioning reveals the complicity of the petitioner, need he be arrested. Without and before getting the petitioner for interrogation under Section 160 Cr.P.C. a decision cannot be taken as to whether the petitioner is required to be arrested or not.

2. I am satisfied that, as agreed by both sides, interim directions can be issued. The following directions are hence issued.

(i) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 1.11.2007 and 2.11.2007.

3. Call this petition again on 5.11.2007 for further submissions. The learned Prosecutor shall on that day report whether the petitioner is required to be arrested or not. The learned P.P. undertakes that the petitioner shall not be arrested till the next date of posting. That undertaking is accepted.

(R. BASANT)
Judge

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